

EXHIBIT – A

IN THE CIRCUIT COURT OF OREGON
FOR BENTON COUNTY

Troy Bacheller,

V

Case No.

COMPLAINT - NEGLIGENCE and PREMISES LIABILITY

Claim for \$500,000.00

Fee Authority: ORS 21.160(1)(c)

Not Subject to Mandatory Arbitration

Home Depot USA, Inc.

Defendant

Plaintiff, Troy Bacheller, by and through his attorney, S. Matthew Lind, for his claims against Home Depot USA Inc. (Defendant), alleges as follows:

1.

On November 13, 2019, Plaintiff was a business invitee shopping at Defendant's store located at 1780 NE Four Acre Pl. Corvallis, OR 97330.

2.

At all material times herein, Defendant was in control of the premises and interior of their store.

3.

Plaintiff was shopping inside the store and speaking to a Home Depot employee when a large box containing a miter saw tipped over from the end-cap and blind-sided Plaintiff and crashed into the left side of his face and head.

4.

After further review of the area, it appeared that the safety chain necessary to hold items from falling forward was either not in use, or at a level that did nothing to prevent the item from falling over.

5.

At all material times herein, Defendant knew or should have known that large boxes on the end cap pose a risk to their customers and should've taken precautions to protect their invitees from such hazards of falling inventory.

6.

The box containing a large miter saw fell over and struck Plaintiff on the left side of his face and head, causing him severe discomfort and concussion like symptoms. Plaintiff's head injury developed and caused Plaintiff to test positive for diabetes, a rare result of head trauma. Plaintiff also suffered a deviated septum, memory loss, head aches, difficulty sleeping, and mood swings.

7.

CLAIM FOR RELIEF

(Negligence – Premises Liability)

Plaintiff's injury was caused by the negligence of Defendant in one or more of the following ways:

1. By storing large boxes close to invitees without proper safety mechanisms;
 2. Failure to provide a safe shopping area free from hazards such as falling boxes;
 3. Failing to exercise reasonable care to protect Plaintiff from the large box at the end-cap;
 4. Failure to warn business invitees of possible dangerous conditions which could cause injury to their customers;

8.

As a direct and proximate result of the acts and omissions of Defendant Walmart, plaintiff suffered injuries creating economic damages in the form of medical care in an amount not to exceed \$21,000.

9.

Plaintiff has also missed considerable work due to his injuries; his wage loss claim is currently \$25,000. Plaintiff reserves the right to increase this amount to conform to the evidence at trial.

10.

As a result of Defendant's negligence, plaintiff suffered non-economic damages in an amount not to exceed \$454,000.

11.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For his medical billing in an amount not to exceed \$21,000;
 2. For his wage loss in an amount not to exceed \$25,000;
 3. For his non-economic damages in an amount not to exceed \$454,000;
 4. For further relief as the Court deems just and equitable.

April 26, 2021

RESPECTFULLY FILED,

S. M. S.

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